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| 09/865,316  | 05/25/2001  | Laurent Chapuis      | TENS 1000-8US       | 4659             |
| 22470   | 7590        | 11/19/2003           | EXAMINER            |                  |
| HAYNES BEFFEL & WOLFELD LLP<br>P O BOX 366<br>HALF MOON BAY, CA 94019 |             |                      | YAO, SAMCHUAN CUA   |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |

1733

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/865,316

Applicant(s)

CHAPUIS ET AL.

Examiner

Sam Chuan C. Yao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 41-89 is/are pending in the application.
- 4a) Of the above claim(s) 44, 45, 47, 61, 63, 74 and 89 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 41-43, 46, 48-60, 62, 64-73 and 75-88 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Election/Restrictions***

1. Applicant's election of Group I Species A,M,T and V (claims 41-43, 46, 48-60, 62, 64-73,75 and 88) in Paper No. 8 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 41-43, 46, 49-60, 62, 64-73, 75 and 88 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 41 is indefinite, because it is unclear what is intended by "*arranging the segments ... generally along expected load lines*" (emphasis added). Does this limitation require: a) at least some segments being disposed along expected load lines, but the remaining segments only have to be parallel or in close proximity to the expected load lines; b) no segment need to be disposed along expected load lines but have to be disposed parallel and in close proximity to the expected load lines; c) segment does not have to be disposed parallel and/or disposed along expected load lines, but all segments have to be disposed in close proximity to expected load lines; etc. For the purpose of examining this limitation, in light of figure 2, it is assumed that, the above limitation only requires at least segments

need to be substantially parallel and substantially in close proximity to the expected load lines.

Claim 43 is indefinite, because the phrase "*the mat elements*" does not have a positive antecedent basis.

Claim 48 is indefinite, because claim 48 is dependent on a non-elected species claim 47. How can this claim correspond to an elected species when it is dependent on a non-elected species?

#### ***Claim Objections***

4. Claims 75-78, 80, 84 and 85 are objected to because of the following informalities: correct a misspelled word "pressure". Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 41-43, 46, 48-49, 54-59, 64-73, and 76-88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meldner et al (US 5,470,632) in view of Linville (US 5,097,783). 60, 62, and 75

With respect to claims 41, 65 and 82-84, Meldner et al discloses a process of making a sailcloth, the process comprises providing a plurality of interconnected panels, each panel having a pair of opposing outer layers, wherein the interconnected panels having a circumferential edge; providing a plurality of

unidirectional reinforcing filaments; arranging the filaments such that they are substantially aligned with principal stress direction; securing the filaments to the outer layers of the respective panels so that, as illustrated in figure 1, the length of filaments in each panel forming the sailcloth only extend part way along the expected load lines of the sailcloth. It is unclear whether the reinforcing filaments taught by Meldner are stretch-resistant. In any event, such would have been obvious in the art as such is a notoriously common practice in the art as exemplified in the teachings of Linville.

With respect to claims 42-43, 46, 48-49, 54-58, see figure 2 of the Meldner et al patent. It would have been obvious in the art to use replace filaments with twisted or untwisted yarns as such is conventional in the art. Moreover, mat elements are taken to read on a unidirectional tape comprising unidirectional filaments.

With respect to claims 59 and 64, in order to properly and effectively align the reinforcing filaments substantially along a line of stress/load, it would have been an obvious expediency provide placement marks (i.e. stress lines) on one of the surface of the outer layers.

With respect to claims 66-72, see figure 5 of the Meldner et al patent. As for claims 71-73, 79, and 81, the recited process steps are conventional way of laminating layers together.

With respect to claims 86-87, see figure 9 of the Linville patent.

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***Allowable Subject Matter***

7. The following is a statement of reasons for the indication of allowable subject matter:

8. Claims 50-53, 60, 62, and 75 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Chuan C. Yao whose telephone number is (703) 308-4788. The examiner can normally be reached on Monday-Friday with second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff H Aftergut can be reached on (703) 308-2069. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2058.



Sam Chuan C. Yao  
Primary Examiner  
Art Unit 1733

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